



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-L

SEP 28 2005

CERTIFIED MAIL # 7004 2510 0000 35 48 9277
RETURN RECEIPT REQUESTED

The Corporation Company
Registered Agent for CF & I Steel, L.P.
1675 Broadway
Denver, CO 80202

Re: CF & I Steel, L.P.
d/b/a Rocky Mountain Steel Mills
Complaint, Compliance Order, and
Notice of Opportunity for Hearing

Dear Sirs:

The enclosed document is a Complaint, Compliance Order, and Notice of Opportunity for Hearing (complaint) alleging violations of the State of Colorado Hazardous Materials and Solid Waste Regulations. CF & I Steel, L.P. d/b/a Rocky Mountain Steel Mills (CF & I) should carefully read the complaint soon, since it describes its rights and responsibilities in this matter as well as EPA's authority, the factual basis of the violations, and the background for the proposed penalties. Also enclosed is a copy of the Consolidated Rules of Practice that govern these proceedings, as well as an information sheet about the Small Business Regulatory Fairness Act.

CF& I is required to take action within 30 calendar days of your receipt of this Order to avoid the possibility of having a default judgment entered against it and the imposition of the penalty amount proposed in the complaint.

Whether or not CF & I requests a hearing, we encourage an informal conference with EPA concerning the alleged violations in an effort to negotiate a settlement. CF & I may wish to appear at an informal conference and/or be represented by legal counsel. To arrange for such a conference, CF & I should contact Jim Eppers, Enforcement Attorney, Legal Enforcement Program, at the number provided below. Request for such a conference does not extend the 30 calendar day period during which a request for hearing must be submitted.



If CF & I has technical questions relating to this matter, the person most knowledgeable on my staff is Eric Johnson, Technical Enforcement Program, at 1-800-227-8917 ext. 6357 or (303) 312-6357. For legal questions, the person most knowledgeable on my staff is Jim Eppers at 1-800-227-8917 ext. 6893 or (303) 312-6893. Mr. Johnson and Mr. Eppers can also be reached at the following addresses:

Eric Johnson (Mail Code 8ENF-RC)
U.S. EPA Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466, or

Jim Eppers (Mail Code 8ENF-L)
Enforcement Attorney
U.S. EPA Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466

We urge CF & I's prompt attention to this matter.

Sincerely,



Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

Proposed Administrative Order
and Opportunity to Request Hearing
40 C.F.R. Part 22
U.S. EPA Small Business Resources Fact Sheet

cc: Carl Hund, CF & I (certified, with all enclosures)
Joyce Williams, CDPHE (with all enclosures)

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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

Docket No. RCRA-08-2005-0004

2005 SEP 28 PM 3:30

FILED
EPA REGION VIII
HEARING CLERK

In the Matter of:

CF&I Steel, L.P. d/b/a
Rocky Mountain Steel Mills

Respondent.

)
)
) **COMPLAINT, COMPLIANCE ORDER,**
) **AND NOTICE OF OPPORTUNITY FOR**
) **HEARING**
)

INTRODUCTION

1. This civil administrative enforcement action is authorized by Congress in section 3008(a) of the Solid Waste Disposal Act, also known as the Resource Conservation and Recovery Act of 1976, as amended (RCRA or the Act), 42 U.S.C. § 6928(a). The rules for this proceeding are the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits ("Rules of Practice")," 40 C.F.R. part 22, a copy of which is enclosed.
2. The undersigned Region 8 United States Environmental Protection Agency (EPA) official has been properly delegated the authority to issue this Complaint, Compliance Order, and Notice of Opportunity for Hearing (complaint).
3. EPA alleges that CF&I Steel, L.P. d/b/a Rocky Mountain Steel Mills (Respondent) has violated the State of Colorado Hazardous Materials and Solid Waste Regulations and proposes the assessment of a civil penalty and compliance measures, as more fully explained below.

NOTICE OF OPPORTUNITY FOR A HEARING

4. Respondent has the right to a public hearing before an administrative law judge to disagree with any factual allegation made by EPA in the complaint, the appropriateness of the proposed penalty, or to present the grounds for any legal defense it may have.

- 1
2 5. To disagree with the complaint and assert its right to a hearing, Respondent must file a
3 written answer (and one copy) with the Region 8 Hearing Clerk at the following address:

4
5 Region 8 Hearing Clerk
6 999 18th Street; Suite 300 (8RC)
7 Denver, Colorado 80202
8

9 within 30 calendar days of receiving this complaint. The answer must clearly admit, deny
10 or explain the factual allegations of the complaint, the grounds for any defense, the facts
11 you may dispute, and your specific request for a public hearing. Please see section 22.15
12 of the Rules of Practice for a complete description of what must be in the answer.

13 **FAILURE TO FILE AN ANSWER AND REQUEST FOR HEARING WITHIN 30**
14 **CALENDAR DAYS MAY WAIVE RESPONDENT'S RIGHT TO DISAGREE**
15 **WITH THE ALLEGATIONS OR PROPOSED PENALTY, AND RESULT IN A**
16 **DEFAULT JUDGMENT AND ASSESSMENT OF THE PENALTY PROPOSED**
17 **IN THE COMPLAINT, OR UP TO THE MAXIMUM AUTHORIZED BY THE**
18 **ACT.**
19

20 QUICK RESOLUTION

- 21
22 6. Respondent may resolve this proceeding at any time by complying with the requirements
23 of paragraphs 25 and 26 below and paying the penalty amount proposed in the complaint.
24 Such action to comply and make payment need not contain any response to, or admission
25 of, the allegations in the complaint. However, such action to comply and make payment
26 constitutes a waiver of Respondent's right to contest the allegations and to appeal the
27 final order. See section 22.18 of the Consolidated Rules of Practice for a full explanation
28 of the quick resolution process. Payment of the penalty in this matter does not relieve
29 Respondent of its obligation to perform the activities required by the compliance order.
30

31 SETTLEMENT NEGOTIATIONS

- 32
33 7. EPA encourages discussing whether cases can be settled through informal settlement
34 conferences. If you want to pursue the possibility of settling this matter, or have any
35 other questions, contact James Eppers, Senior Enforcement Attorney, at [1-800-227-8917
36 extension 6893 or 303-312-6893] or at the address identified in paragraph 22 herein.
37 **Please note that calling Mr. Eppers or requesting a settlement conference does NOT**
38 **delay the running of the 30 day period for filing an answer and requesting a**
39 **hearing.**
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GENERAL ALLEGATIONS

The following general allegations apply to all times relevant to this action, and to each count of this complaint:

8. The Respondent is and was at all times relevant to this complaint a limited partnership registered to do business in the State of Colorado, and the owner and operator of a facility located at 2100 S. Freeway, Pueblo, Colorado (the facility).
9. Respondent is a "person" as defined at section 1004(15) and 3008 of RCRA, 42 U.S.C. § 6903(15) and 6928, and in State of Colorado Hazardous Materials and Solid Waste Regulations 1007, Subpart B Section 260.10.
10. Pursuant to 40 C.F.R. § 264.71(c) and analogous regulations promulgated by the State of Colorado Department of Public Health and Environment (CDPHE), Respondent is required to comply with applicable regulations of the State of Colorado CDPHE, Hazardous Materials and Solid Waste Regulations 1007, part 262, including the requirements set forth in the State of Colorado Regulations at section 262.55(a), Exception Reporting. The State of Colorado Hazardous Material and Solid Waste Regulations 1007, § 262.55(a), require Respondent to submit an exception report for any hazardous waste shipment for which the generator has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within forty-five (45) days from the date it was accepted by the initial transporter.
11. Between September 28, 2000 and July 29, 2003, Respondent initiated various shipments of hazardous waste from the facility to Zinc Nacional, S.A. in Monterrey, Mexico. One hundred eighty-five (185) shipments of hazardous waste, each accompanied by a specific manifest, as required by State of Colorado Hazardous Materials and Solid Waste Regulations 1007, § 262.20(a), were prepared for transportation outside the United States (See Attachment 1, which is incorporated herein, for a listing of the specific manifests by manifest number).
12. The waste shipments referenced above were transported from the facility by rail tank car using C&W Railway Company (transporter #1), BNSF Railway Company (transporter #2), and Texas Mexican Railway Company (transporter #3), where the waste was to be delivered to Ramon Barrios, Inc. at the U.S./Mexican border in Laredo, Texas.
13. Pursuant to State of Colorado Hazardous Materials and Solid Waste Regulations 1007, § 263.20(g)(1), transporters who transport hazardous waste out of the United States must indicate on the manifest the date the hazardous waste left the United States.
14. The manifests for the hazardous waste shipments described at paragraph 11, above, did not indicate the dates that hazardous wastes left the United States and entered Mexico,

1 thus triggering Respondent's obligation to submit exception reports pursuant to State of
2 Colorado Hazardous Materials and Solid Waste Regulations 1007, § 262.55(a).
3 Respondent failed to submit exception reports for these shipments within the time
4 provided in the above-cited regulations.
5

- 6 15. Respondent's failure to comply with the requirement to submit timely exception reports
7 for the hazardous waste shipments described above constitute one hundred eighty-five
8 (185) violations of State of Colorado Hazardous Materials and Solid Waste Regulations
9 1007, § 262.55(a).

- 10
11 16. This civil administrative action is authorized by section 3008 of the Solid Waste Disposal
12 Act, as amended by RCRA, 42 U.S.C. § 6928. Section 3008(a) of RCRA authorizes the
13 Administrator of the U.S. EPA to issue complaints and compliance orders whenever the
14 Administrator determines that any person has violated or is in violation of any
15 requirement of Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939(e). EPA is further
16 authorized by section 3008 of RCRA, 42 U.S.C. § 6928, to assess a civil penalty of up to
17 \$27,500 per day of violation (for violations after January 31, 1997 through and including
18 March 15, 2004) whenever the Administrator determines that any person has violated any
19 requirement of Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939(e).
20 See also 40 C.F.R. Part 19.

- 21
22 17. Authorized by EPA on November 2, 1984 and pursuant to section 3006 of RCRA,
23 42 U.S.C. § 6926, the State of Colorado operates a hazardous waste program in lieu of the
24 federal program. All reference herein to State regulations are those of the State of
25 Colorado regulations authorized by EPA under section 3006(b) of RCRA.
26

- 27 18. Pursuant to section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), EPA has given notice
28 of this action to the State of Colorado.
29

- 30 19. Pursuant to sections 3008(a) and (g) and 3006(g) of RCRA, 42 U.S.C. §§ 6928(a) and (g)
31 and 6926(g), EPA may enforce the federally approved Colorado hazardous waste program
32 by issuing an order assessing a civil penalty for any past or current violations of RCRA
33 and requiring immediate compliance.
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4 20. Respondent violated State of Colorado Hazardous Materials and Solid Waste Regulations
5 1007, Section 262.55(a) by failing to submit to EPA exception reports for the 389
6 manifests that did not indicate the dates the hazardous waste left the United States and
7 entered Mexico. The 389 manifests represent 185 days of violation. Each day of
8 violation is a violation of the above cited regulations and consequently, a violation of
9 subchapter III of RCRA, 42 U.S.C. § 6921, et.al., subjecting Respondent to the
10 assessment of civil penalties, as provided for in section 3008(a) of RCRA,
11 42 U.S.C. § 6928(a). Attachment 1 to this complaint lists each of those manifests with
12 the omission.

13
14 **PROPOSED CIVIL PENALTY**

- 15
16 21. Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), authorizes EPA to assess a civil
17 penalty of up to \$25,000 per day for each violation whenever a person violates any
18 requirement of subchapter III of RCRA, 42 U.S.C. § 6921, et. al. This amount increases
19 to \$27,500 per day for violations occurring on and after January 31, 1997 (See
20 40 C.F.R. Part 19) and further increases to \$32,500 per day for each violation occurring
21 on or after March 16, 2004. The Act requires EPA to take into account the following
22 factors in assessing a civil penalty: the seriousness of the violation and any good faith
23 efforts of the Respondent to comply with applicable statutory and regulatory
24 requirements. 42 U.S.C. § 6928(a)(3). The penalty proposed below takes into account the
25 statutory factors and was calculated in accordance with EPA's RCRA Civil Penalty
26 Policy (June 2003). This policy is used by EPA to provide a rational and consistent
27 application of the statutory factors to the facts and circumstances of a specific case. The
28 reasoning behind this penalty is detailed in the penalty calculation for this case,
29 incorporated herein and enclosed as Attachment 2.
- 30
31 22. In light of the statutory factors and the specific facts of this case, Complainant proposes
32 that Respondent be assessed a civil penalty of twenty thousand five hundred and seventy
33 dollars (\$20,570) for the violations alleged in this complaint.

34
35 Respondent shall pay this penalty by certified check or money order, payable to
36 "Treasurer, the United States of America," and remit to:

37
38
39 U.S. Environmental Protection Agency, Region 8
40 (Regional Hearing Clerk)
41 P.O. Box 360859M
42 Pittsburgh, PA 15251.
43

1 A copy of the check shall be sent to:

2
3 Regional Hearing Clerk
4 U.S. Environmental Protection Agency, Region 8
5 999 18th Street, Suite 300
6 Denver, Colorado 80202-2466
7

8 and

9
10 James H. Eppers 8ENF-L
11 Legal Enforcement Program
12 U.S. Environmental Protection Agency, Region 8
13 999 18th Street, Suite 300
14 Denver, Colorado 80202-2466.
15

16 A transmittal letter identifying this complaint shall accompany the remittance and the
17 copy of the check.

- 18 23. The administrative law judge is not bound by EPA's penalty policy or the penalty
19 proposed by EPA, and may assess a penalty above the proposed amount, up to the
20 \$27,500 per day per violation authorized in the statute.
21

22 **RESERVATION OF RIGHTS**

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24
25 24. This complaint does not constitute a waiver, suspension, or modification of the
26 requirements of any applicable provision of the Act or the RCRA regulations
27 implementing the Act, which remain in full force and effect. Issuance of this complaint is
28 not an election by the EPA to forego any civil or any criminal action otherwise authorized
29 under the Act.
30

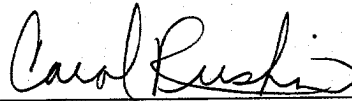
31 **COMPLIANCE ORDER**

- 32
33 25. Pursuant to authority under section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and in
34 consideration of the fact that the violations alleged in the complaint could have been
35 avoided by Respondent's personnel by simply completing and submitting exception
36 reports for manifests that did not state the date of departure from the United States,
37 Respondent is hereby ordered to immediately, and at all times, comply with State of
38 Colorado Hazardous Materials and Solid Waste Regulations 1007, section 262.55(a).
39
40 26. Within thirty (30) days of receipt of this Complaint, Compliance Order, and Notice of
41 Opportunity for Hearing, Respondent shall submit to EPA a written, detailed description
42 of the steps that will be taken to ensure Respondent's future compliance with State of

1 Colorado Hazardous Materials and Solid Waste Regulations 1007, Section 262.55(a)
2 (accompanied by a copy of any appropriate supporting documentation), and written
3 confirmation of its compliance with those requirements. The submission referred to
4 above shall be sent to :

5
6 Eric Johnson 8ENF-RC
7 Technical Enforcement Program
8 U. S. Environmental Protection Agency, Region 8
9 999 18th Street Suite 300
10 Denver, CO 80202-2466.

11
12 Issued this 28th day of September, 2005.

13
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15 

16
17 Carol Rushin
18 Assistant Regional Administrator
19 Office of Enforcement, Compliance,
20 and Environmental Justice
21 U.S. EPA, Region 8
22 999 18th Street, Suite 300
23 Denver, CO 80202-2466

ATTACHMENT 1
Violations of Exception Reporting Requirements
State of Colorado Regulation:
CDPHE Hazardous Materials and
Solid Waste Regulation 1007, Section 262.55(a)

	Transporter #3	Date Shipped	Manifest Number
1.	Texas Mexican Railway Co.	09/28/00	CO 00916
	Texas Mexican Railway Co.	09/28/00	CO 00917
	Texas Mexican Railway Co.	09/28/00	CO 00918
2.	Texas Mexican Railway Co.	10/03/00	CO 00919
	Texas Mexican Railway Co.	10/03/00	CO 00920
3.	Texas Mexican Railway Co.	10/05/00	CO 00921
	Texas Mexican Railway Co.	10/05/00	CO 00922
4.	Texas Mexican Railway Co.	10/09/00	CO 00923
	Texas Mexican Railway Co.	10/09/00	CO 00924
5.	Texas Mexican Railway Co.	10/16/00	CO 00925
	Texas Mexican Railway Co.	10/16/00	CO 00926
6.	Texas Mexican Railway Co.	10/18/00	CO 00927
	Texas Mexican Railway Co.	10/18/00	CO 00928
7.	Texas Mexican Railway Co.	10/24/00	CO 00930
8.	Texas Mexican Railway Co.	10/26/00	CO 00931
	Texas Mexican Railway Co.	10/26/00	CO 00932
9.	Texas Mexican Railway Co.	10/31/00	CO 00933
	Texas Mexican Railway Co.	10/31/00	CO 00934
10.	Texas Mexican Railway Co.	11/02/00	CO 00936
11.	Texas Mexican Railway Co.	11/07/00	CO 00937
12.	Texas Mexican Railway Co.	11/08/00	CO 00938
	Texas Mexican Railway Co.	11/08/00	CO 00939
13.	Texas Mexican Railway Co.	11/10/00	CO 00940
	Texas Mexican Railway Co.	11/10/00	CO 00941
14.	Texas Mexican Railway Co.	11/15/00	CO 00943
15.	Texas Mexican Railway Co.	11/21/00	CO 00944

	Texas Mexican Railway Co.	11/21/00	CO 00945
16.	Texas Mexican Railway Co.	11/27/00	CO 00946
	Texas Mexican Railway Co.	11/27/00	CO 00947
	Texas Mexican Railway Co.	11/27/00	CO 00948
	Texas Mexican Railway Co.	11/27/00	CO 00949
17.	Texas Mexican Railway Co.	11/30/00	CO 00951
18.	Texas Mexican Railway Co.	12/08/00	CO 00952
	Texas Mexican Railway Co.	12/08/00	CO 00953
	Texas Mexican Railway Co.	12/08/00	CO 00954
19.	Texas Mexican Railway Co.	12/12/00	CO 00955
20.	Texas Mexican Railway Co.	12/15/00	CO 00957
21.	Texas Mexican Railway Co.	12/18/00	CO 00958
22.	Texas Mexican Railway Co.	12/21/00	CO 00959
	Texas Mexican Railway Co.	12/21/00	CO 00960
	Texas Mexican Railway Co.	12/21/00	CO 00961
	Texas Mexican Railway Co.	12/21/00	CO 00962
23.	Texas Mexican Railway Co.	12/28/00	CO 00963
	Texas Mexican Railway Co.	12/28/00	CO 00964
24.	Texas Mexican Railway Co.	01/08/01	CO 01801
	Texas Mexican Railway Co.	01/08/01	CO 01802
25.	Texas Mexican Railway Co.	01/09/01	CO 01803
	Texas Mexican Railway Co.	01/09/01	CO 01804
26.	Texas Mexican Railway Co.	01/16/01	CO 01805
	Texas Mexican Railway Co.	01/16/01	CO 01806
27.	Texas Mexican Railway Co.	01/17/01	CO 01807
	Texas Mexican Railway Co.	01/17/01	CO 01808
28.	Texas Mexican Railway Co.	01/23/01	CO 01809
	Texas Mexican Railway Co.	01/23/01	CO 01810
	Texas Mexican Railway Co.	01/23/01	CO 01811
	Texas Mexican Railway Co.	01/23/01	CO 01812
29.	Texas Mexican Railway Co.	01/29/01	CO 01813
	Texas Mexican Railway Co.	01/29/01	CO 01814
30.	Texas Mexican Railway Co.	01/31/01	CO 01815

	Texas Mexican Railway Co.	01/31/01	CO 01816
31.	Texas Mexican Railway Co.	02/09/01	CO 01819
	Texas Mexican Railway Co.	02/09/01	CO 01820
32.	Texas Mexican Railway Co.	02/12/01	CO 01821
	Texas Mexican Railway Co.	02/12/01	CO 01822
33.	Texas Mexican Railway Co.	02/16/01	CO 01823
	Texas Mexican Railway Co.	02/16/01	CO 01824
34.	Texas Mexican Railway Co.	02/28/01	CO 01825
	Texas Mexican Railway Co.	02/28/01	CO 01826
35.	Texas Mexican Railway Co.	03/07/01	CO 01827
	Texas Mexican Railway Co.	03/07/01	CO 01828
36.	Texas Mexican Railway Co.	03/09/01	CO 01829
	Texas Mexican Railway Co.	03/09/01	CO 01830
37.	Texas Mexican Railway Co.	03/19/01	CO 01831
	Texas Mexican Railway Co.	03/19/01	CO 01832
38.	Texas Mexican Railway Co.	03/21/01	CO 01833
	Texas Mexican Railway Co.	03/21/01	CO 01834
	Texas Mexican Railway Co.	03/21/01	CO 01835
	Texas Mexican Railway Co.	03/21/01	CO 01836
39.	Texas Mexican Railway Co.	03/26/01	CO 01838
40.	Texas Mexican Railway Co.	04/06/01	CO 01840
41.	Texas Mexican Railway Co.	04/11/01	CO 01841
	Texas Mexican Railway Co.	04/11/01	CO 01842
42.	Texas Mexican Railway Co.	04/16/01	CO 01843
	Texas Mexican Railway Co.	04/16/01	CO 01844
43.	Texas Mexican Railway Co.	04/20/01	CO 01845
	Texas Mexican Railway Co.	04/20/01	CO 01846
44.	Texas Mexican Railway Co.	04/23/01	CO 01847
	Texas Mexican Railway Co.	04/23/01	CO 01848
45.	Texas Mexican Railway Co.	04/27/01	CO 01849
	Texas Mexican Railway Co.	04/27/01	CO 01850
46.	Texas Mexican Railway Co.	05/08/01	CO 01851

	Texas Mexican Railway Co.	05/08/01	CO 01852
47.	Texas Mexican Railway Co.	05/09/01	CO 01853
	Texas Mexican Railway Co.	05/09/01	CO 01854
48.	Texas Mexican Railway Co.	05/11/01	CO 01855
	Texas Mexican Railway Co.	05/11/01	CO 01856
49.	Texas Mexican Railway Co.	05/15/01	CO 01858
50.	Texas Mexican Railway Co.	05/21/01	CO 01859
51.	Texas Mexican Railway Co.	05/24/01	CO 01860
	Texas Mexican Railway Co.	05/24/01	CO 01961
52.	Texas Mexican Railway Co.	05/29/01	CO 01863
	Texas Mexican Railway Co.	05/29/01	CO 01864
	Texas Mexican Railway Co.	05/29/01	CO 01865
53.	Texas Mexican Railway Co.	06/01/01	CO 01866
	Texas Mexican Railway Co.	06/01/01	CO 01867
54.	Texas Mexican Railway Co.	06/04/01	CO 01868
	Texas Mexican Railway Co.	06/04/01	CO 01869
55.	Texas Mexican Railway Co.	06/08/01	CO 01870
	Texas Mexican Railway Co.	06/08/01	CO 01871
56.	Texas Mexican Railway Co.	06/12/01	CO 01872
	Texas Mexican Railway Co.	06/12/01	CO 01873
57.	Texas Mexican Railway Co.	06/18/01	CO 01875
58.	Texas Mexican Railway Co.	06/22/01	CO 01876
	Texas Mexican Railway Co.	06/22/01	CO 01877
59.	Texas Mexican Railway Co.	06/25/01	CO 01878
	Texas Mexican Railway Co.	06/25/01	CO 01879
60.	Texas Mexican Railway Co.	07/02/01	CO 01880
	Texas Mexican Railway Co.	07/02/01	CO 01881
61.	Texas Mexican Railway Co.	07/12/01	CO 01882
	Texas Mexican Railway Co.	07/12/01	CO 01883-1
62.	Texas Mexican Railway Co.	07/10/01	CO 01883

	Texas Mexican Railway Co.	07/10/01	CO 01884
	Texas Mexican Railway Co.	07/10/01	CO 01885
63.	Texas Mexican Railway Co.	07/17/01	CO 01886
	Texas Mexican Railway Co.	07/17/01	CO 01887
64.	Texas Mexican Railway Co.	07/18/01	CO 01888
65.	Texas Mexican Railway Co.	07/23/01	CO 01890
66.	Texas Mexican Railway Co.	07/25/01	CO 01891
	Texas Mexican Railway Co.	07/25/01	CO 01892
67.	Texas Mexican Railway Co.	08/01/01	CO 01893
	Texas Mexican Railway Co.	08/01/01	CO 01894
68.	Texas Mexican Railway Co.	08/06/01	CO 01895
	Texas Mexican Railway Co.	08/06/01	CO 01896
69.	Texas Mexican Railway Co.	08/10/01	CO 01897
	Texas Mexican Railway Co.	08/10/01	CO 01898
70.	Texas Mexican Railway Co.	08/13/01	CO 01899
	Texas Mexican Railway Co.	08/13/01	CO 01900
71.	Texas Mexican Railway Co.	08/20/01	CO 01901
	Texas Mexican Railway Co.	08/20/01	CO 01902
72.	Texas Mexican Railway Co.	08/23/01	CO 01903
	Texas Mexican Railway Co.	08/23/01	CO 01904
73.	Texas Mexican Railway Co.	08/28/01	CO 01905
	Texas Mexican Railway Co.	08/28/01	CO 01906
74.	Texas Mexican Railway Co.	08/30/01	CO 01908
75.	Texas Mexican Railway Co.	09/05/01	CO 01909
	Texas Mexican Railway Co.	09/05/01	CO 01910
76.	Texas Mexican Railway Co.	09/07/01	CO 01911
	Texas Mexican Railway Co.	09/07/01	CO 01912
77.	Texas Mexican Railway Co.	09/17/01	CO 01913
	Texas Mexican Railway Co.	09/17/01	CO 01914
78.	Texas Mexican Railway Co.	09/19/01	CO 01915
	Texas Mexican Railway Co.	09/19/01	CO 01916

79.	Texas Mexican Railway Co.	09/26/01	CO 01916-1
	Texas Mexican Railway Co.	09/26/01	CO 01917
	Texas Mexican Railway Co.	09/26/01	CO 01918
	Texas Mexican Railway Co.	09/26/01	CO 01919
80.	Texas Mexican Railway Co.	09/28/01	CO 01920
	Texas Mexican Railway Co.	09/28/01	CO 01921
81.	Texas Mexican Railway Co.	10/03/01	CO 01922
	Texas Mexican Railway Co.	10/03/01	CO 01923
82.	Texas Mexican Railway Co.	10/10/01	CO 01924
	Texas Mexican Railway Co.	10/10/01	CO 01925
83.	Texas Mexican Railway Co.	10/12/01	CO 01926
	Texas Mexican Railway Co.	10/12/01	CO 01927
84.	Texas Mexican Railway Co.	10/07/01	CO 01929
85.	Texas Mexican Railway Co.	10/18/01	CO 01930
	Texas Mexican Railway Co.	10/18/01	CO 01931
86.	Texas Mexican Railway Co.	10/22/01	CO 01932
	Texas Mexican Railway Co.	10/22/01	CO 01933
87.	Texas Mexican Railway Co.	10/29/01	CO 01934
88.	Texas Mexican Railway Co.	11/05/01	CO 01935
	Texas Mexican Railway Co.	11/05/01	CO 01936
	Texas Mexican Railway Co.	11/05/01	CO 01937
	Texas Mexican Railway Co.	11/05/01	CO 01938
	Texas Mexican Railway Co.	11/05/01	CO 01939
	Texas Mexican Railway Co.	11/05/01	CO 01940
89.	Texas Mexican Railway Co.	11/08/01	CO 01941
	Texas Mexican Railway Co.	11/08/01	CO 01942
90.	Texas Mexican Railway Co.	11/12/01	CO 01943
91.	Texas Mexican Railway Co.	11/15/01	CO 01944
	Texas Mexican Railway Co.	11/15/01	CO 01945
	Texas Mexican Railway Co.	11/15/01	CO 01946
92.	Texas Mexican Railway Co.	11/27/01	CO 01948
	Texas Mexican Railway Co.	11/27/01	CO 01949
	Texas Mexican Railway Co.	11/27/01	CO 01950
	Texas Mexican Railway Co.	11/27/01	CO 01951

93.	Texas Mexican Railway Co.	11/30/01	CO 01952
	Texas Mexican Railway Co.	11/30/01	CO 01953
94.	Texas Mexican Railway Co.	12/05/01	CO 01954
	Texas Mexican Railway Co.	12/05/01	CO 01955
95.	Texas Mexican Railway Co.	12/11/01	CO 01956
	Texas Mexican Railway Co.	12/11/01	CO 01957
96.	Texas Mexican Railway Co.	12/14/01	CO 01958
	Texas Mexican Railway Co.	12/14/01	CO 01959
97.	Texas Mexican Railway Co.	12/17/01	CO 01960
	Texas Mexican Railway Co.	12/17/01	CO 01961
98.	Texas Mexican Railway Co.	12/18/01	CO 01962
	Texas Mexican Railway Co.	12/18/01	CO 01963
99.	Texas Mexican Railway Co.	12/21/01	CO 01965
100.	Texas Mexican Railway Co.	12/31/01	CO 01966
	Texas Mexican Railway Co.	12/31/01	CO 01967
101.	Texas Mexican Railway Co.	01/02/02	CO 02801
	Texas Mexican Railway Co.	01/02/02	CO 02802
102.	Texas Mexican Railway Co.	01/07/02	CO 02803
	Texas Mexican Railway Co.	01/07/02	CO 02804
103.	Texas Mexican Railway Co.	01/09/02	CO 02805
	Texas Mexican Railway Co.	01/09/02	CO 02806
104.	Texas Mexican Railway Co.	01/11/02	CO 02807
	Texas Mexican Railway Co.	01/11/02	CO 02808
105.	Texas Mexican Railway Co.	01/16/02	CO 02809
	Texas Mexican Railway Co.	01/16/02	CO 02810
106.	Texas Mexican Railway Co.	01/22/02	CO 02811
	Texas Mexican Railway Co.	01/22/02	CO 02812
107.	Texas Mexican Railway Co.	01/24/02	CO 02813
	Texas Mexican Railway Co.	01/24/02	CO 02814
108.	Texas Mexican Railway Co.	01/29/02	CO 02815

109.	Texas Mexican Railway Co.	01/31/02	CO 02817
	Texas Mexican Railway Co.	01/31/02	CO 02818
	Texas Mexican Railway Co.	01/31/02	CO 02819
110.	Texas Mexican Railway Co.	02/06/02	CO 02820
	Texas Mexican Railway Co.	02/06/02	CO 02821
111.	Texas Mexican Railway Co.	02/11/02	CO 02822
	Texas Mexican Railway Co.	02/11/02	CO 02823
112.	Texas Mexican Railway Co.	02/15/02	CO 02824
	Texas Mexican Railway Co.	02/15/02	CO 02825
	Texas Mexican Railway Co.	02/15/02	CO 02826
	Texas Mexican Railway Co.	02/15/02	CO 02827
113.	Texas Mexican Railway Co.	02/19/02	CO 02828
	Texas Mexican Railway Co.	02/19/02	CO 02829
114.	Texas Mexican Railway Co.	02/22/02	CO 02830
	Texas Mexican Railway Co.	02/22/02	CO 02831
115.	Texas Mexican Railway Co.	02/27/02	CO 02832
	Texas Mexican Railway Co.	02/27/02	CO 02833
	Texas Mexican Railway Co.	02/27/02	CO 02834
	Texas Mexican Railway Co.	02/27/02	CO 02835
116.	Texas Mexican Railway Co.	03/05/02	CO 02836
	Texas Mexican Railway Co.	03/05/02	CO 02837
117.	Texas Mexican Railway Co.	03/11/02	CO 02838
	Texas Mexican Railway Co.	03/11/02	CO 02839
118.	Texas Mexican Railway Co.	03/13/02	CO 02840
	Texas Mexican Railway Co.	03/13/02	CO 02841
	Texas Mexican Railway Co.	03/13/02	CO 02842
119.	Texas Mexican Railway Co.	03/20/02	CO 02843
	Texas Mexican Railway Co.	03/20/02	CO 02844
	Texas Mexican Railway Co.	03/20/02	CO 02845
	Texas Mexican Railway Co.	03/20/02	CO 02846
120.	Texas Mexican Railway Co.	03/27/02	CO 02848
121.	Texas Mexican Railway Co.	03/28/02	CO 02849
	Texas Mexican Railway Co.	03/28/02	CO 02850
122.	Texas Mexican Railway Co.	04/03/02	CO 02851
	Texas Mexican Railway Co.	04/03/02	CO 02852

123.	Texas Mexican Railway Co.	04/08/02	CO 02853
	Texas Mexican Railway Co.	04/08/02	CO 02854
	Texas Mexican Railway Co.	04/08/02	CO 02855
	Texas Mexican Railway Co.	04/08/02	CO 02856
124.	Texas Mexican Railway Co.	04/12/02	CO 02857
	Texas Mexican Railway Co.	04/12/02	CO 02858
125.	Texas Mexican Railway Co.	04/19/02	CO 02859
	Texas Mexican Railway Co.	04/19/02	CO 02860
126.	Texas Mexican Railway Co.	04/24/02	CO 02861
	Texas Mexican Railway Co.	04/24/02	CO 02862
	Texas Mexican Railway Co.	04/24/02	CO 02863
	Texas Mexican Railway Co.	04/24/02	CO 02864
127.	Texas Mexican Railway Co.	05/02/02	CO 02865
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128.	Texas Mexican Railway Co.	05/06/02	CO 02867
	Texas Mexican Railway Co.	05/06/02	CO 02868
129.	Texas Mexican Railway Co.	05/15/02	CO 02869
	Texas Mexican Railway Co.	05/15/02	CO 02870
130.	Texas Mexican Railway Co.	05/21/02	CO 02871
	Texas Mexican Railway Co.	05/21/02	CO 02872
131.	Texas Mexican Railway Co.	05/22/02	CO 02873
132.	Texas Mexican Railway Co.	05/31/02	CO 02874
	Texas Mexican Railway Co.	05/31/02	CO 02875
	Texas Mexican Railway Co.	05/31/02	CO 02876
	Texas Mexican Railway Co.	05/31/02	CO 02877
133.	Texas Mexican Railway Co.	06/05/02	CO 02878
	Texas Mexican Railway Co.	06/05/02	CO 02879
	Texas Mexican Railway Co.	06/05/02	CO 02880
	Texas Mexican Railway Co.	06/05/02	CO 02881
134.	Texas Mexican Railway Co.	06/13/02	CO 02883
	Texas Mexican Railway Co.	06/13/02	CO 02884
	Texas Mexican Railway Co.	06/13/02	CO 02885
	Texas Mexican Railway Co.	06/13/02	CO 02886
135.	Texas Mexican Railway Co.	06/21/02	CO 02887
	Texas Mexican Railway Co.	06/21/02	CO 02888

136.	Texas Mexican Railway Co.	06/25/02	CO 02889
	Texas Mexican Railway Co.	06/25/02	CO 02890
	Texas Mexican Railway Co.	06/25/02	CO 02891
	Texas Mexican Railway Co.	06/25/02	CO 02892
137.	Texas Mexican Railway Co.	06/28/02	CO 02893
138.	Texas Mexican Railway Co.	07/01/02	CO 02894
	Texas Mexican Railway Co.	07/01/02	CO 02895
139.	Texas Mexican Railway Co.	07/09/02	CO 02896
	Texas Mexican Railway Co.	07/09/02	CO 02897
140.	Texas Mexican Railway Co.	07/10/02	CO 02898
	Texas Mexican Railway Co.	07/10/02	CO 02899
141.	Texas Mexican Railway Co.	07/12/02	CO 02900
	Texas Mexican Railway Co.	07/12/02	CO 02901
142.	Texas Mexican Railway Co.	07/18/02	CO 02902
	Texas Mexican Railway Co.	07/18/02	CO 02903
143.	Texas Mexican Railway Co.	07/22/02	CO 02904
	Texas Mexican Railway Co.	07/22/02	CO 02905
144.	Texas Mexican Railway Co.	07/31/02	CO 02906
	Texas Mexican Railway Co.	07/31/02	CO 02907
	Texas Mexican Railway Co.	07/31/02	CO 02908
	Texas Mexican Railway Co.	07/31/02	CO 02909
145.	Texas Mexican Railway Co.	08/01/02	CO 02910
	Texas Mexican Railway Co.	08/01/02	CO 02911
146.	Texas Mexican Railway Co.	08/06/02	CO 02912
	Texas Mexican Railway Co.	08/06/02	CO 02913
147.	Texas Mexican Railway Co.	08/12/02	CO 02914
	Texas Mexican Railway Co.	08/12/02	CO 02915
148.	Texas Mexican Railway Co.	08/14/02	CO 02916
	Texas Mexican Railway Co.	08/14/02	CO 02917
149.	Texas Mexican Railway Co.	08/20/02	CO 02918
	Texas Mexican Railway Co.	08/20/02	CO 02919
150.	Texas Mexican Railway Co.	08/22/02	CO 02920
	Texas Mexican Railway Co.	08/22/02	CO 02921

151.	Texas Mexican Railway Co.	08/27/02	CO 02922
	Texas Mexican Railway Co.	08/27/02	CO 02923
152.	Texas Mexican Railway Co.	09/04/02	CO 02924
	Texas Mexican Railway Co.	09/04/02	CO 02925
153.	Texas Mexican Railway Co.	09/05/02	CO 02926
	Texas Mexican Railway Co.	09/05/02	CO 02927
154.	Texas Mexican Railway Co.	09/09/02	CO 02928
	Texas Mexican Railway Co.	09/09/02	CO 02929
155.	Texas Mexican Railway Co.	09/11/02	CO 02930
	Texas Mexican Railway Co.	09/11/02	CO 02931
156.	Texas Mexican Railway Co.	09/17/02	CO 02932
	Texas Mexican Railway Co.	09/17/02	CO 02933
157.	Texas Mexican Railway Co.	09/20/02	CO 02934
	Texas Mexican Railway Co.	09/20/02	CO 02935
158.	Texas Mexican Railway Co.	09/25/02	CO 02936
	Texas Mexican Railway Co.	09/25/02	CO 02937
159.	Texas Mexican Railway Co.	09/30/02	CO 02938
	Texas Mexican Railway Co.	09/30/02	CO 02940
160.	Texas Mexican Railway Co.	10/09/02	CO 02944
161.	Texas Mexican Railway Co.	10/14/02	CO 02945
	Texas Mexican Railway Co.	10/14/02	CO 02946
162.	Texas Mexican Railway Co.	10/21/02	CO 02947
	Texas Mexican Railway Co.	10/21/02	CO 02948
	Texas Mexican Railway Co.	10/21/02	CO 02949
	Texas Mexican Railway Co.	10/21/02	CO 02950
163.	Texas Mexican Railway Co.	10/23/02	CO 02951
	Texas Mexican Railway Co.	10/23/02	CO 02952
164.	Texas Mexican Railway Co.	10/30/02	CO 02953
	Texas Mexican Railway Co.	10/30/02	CO 02956
165.	Texas Mexican Railway Co.	12/16/02	CO 02973
	Texas Mexican Railway Co.	12/16/02	CO 02974
	Texas Mexican Railway Co.	12/16/02	CO 02975
	Texas Mexican Railway Co.	12/16/02	CO 02976

166.	Texas Mexican Railway Co.	12/19/02	CO 02977
	Texas Mexican Railway Co.	12/19/02	CO 02978
167.	Texas Mexican Railway Co.	12/29/02	CO 02979
	Texas Mexican Railway Co.	12/29/02	CO 02980
168.	Texas Mexican Railway Co.	12/30/02	CO 02981
	Texas Mexican Railway Co.	12/30/02	CO 02982
169.	Texas Mexican Railway Co.	01/03/03	CO 03801
	Texas Mexican Railway Co.	01/03/03	CO 03802
170.	Texas Mexican Railway Co.	01/08/03	CO 03803
171.	Texas Mexican Railway Co.	01/13/03	CO 03804
	Texas Mexican Railway Co.	01/13/03	CO 03805
172.	Texas Mexican Railway Co.	01/17/03	CO 03806
	Texas Mexican Railway Co.	01/17/03	CO 03807
173.	Texas Mexican Railway Co.	01/20/03	CO 03808
	Texas Mexican Railway Co.	01/20/03	CO 03809
174.	Texas Mexican Railway Co.	01/22/03	CO 03810
	Texas Mexican Railway Co.	01/22/03	CO 03811
175.	Texas Mexican Railway Co.	01/27/03	CO 03812
176.	Texas Mexican Railway Co.	01/28/03	CO 03813
	Texas Mexican Railway Co.	01/28/03	CO 03814
177.	Texas Mexican Railway Co.	02/04/03	CO 03815
	Texas Mexican Railway Co.	02/04/03	CO 03816
	Texas Mexican Railway Co.	02/04/03	CO 03817
	Texas Mexican Railway Co.	02/04/03	CO 03818
178.	Texas Mexican Railway Co.	02/10/03	CO 03819
	Texas Mexican Railway Co.	02/10/03	CO 03820
179.	Texas Mexican Railway Co.	02/14/03	CO 03821
180.	Texas Mexican Railway Co.	02/18/03	CO 03822
	Texas Mexican Railway Co.	02/18/03	CO 03823
	Texas Mexican Railway Co.	02/18/03	CO 03824
181.	Texas Mexican Railway Co.	02/21/03	CO 03825
	Texas Mexican Railway Co.	02/21/03	CO 03826
182.	Texas Mexican Railway Co.	02/26/03	CO 03827

183. Texas Mexican Railway Co.	03/05/03	CO 03827
184. Texas Mexican Railway Co.	07/15/03	CO 03886
Texas Mexican Railway Co.	07/15/03	CO 03887
185. Texas Mexican Railway Co.	07/29/03	CO 03893

ATTACHMENT 2
NARRATIVE EXPLANATION TO SUPPORT \$20,570 PENALTY FOR:
CF&I Steel, L.P. d/b/a Rocky Mountain Steel Mills

Pursuant to Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. § 6928(a)(3) and (g), EPA proposes the assessment of a civil penalty in the amount of \$20,570 against CF&I Steel, L.P. d/b/a Rocky Mountain Steel Mills ("Respondent") for the following violation:

VIOLATION 1

The Respondent violated State of Colorado Hazardous Materials and Solid Waste Regulations 1007, Section 262.55(a) by failing to submit exception reports for 185 shipments (389 manifests) that were missing the date hazardous waste left the United States to a foreign source (Mexico).

1. Gravity Based Penalty: \$330

Potential for Harm: Minor - Respondent's failure to submit exception reports for 389 manifests (185 shipments) that were missing the date hazardous waste left the United States constitutes a minor harm to the integrity of the RCRA program. By submitting exception reports within the specified time frame for those off-site waste shipments for which no date is indicated hazardous wastes left the United States, facilities demonstrate to EPA that they are properly managing their wastes from cradle-to-grave, and properly implementing the self-reporting aspects of the RCRA requirements. The Respondent's failure to submit an exception report within the specified time frame has a minor adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program.

Extent of Deviation: Minor - By failing to submit exception reports within the specified time frame, the Respondent deviated from the regulatory requirements. Based on manifests obtained through EPA's 2002 Facility inspection and CF&I Steel, L.P. d/b/a Rocky Mtn. Steel Mills/Texas Mexican Railway Company's response to RCRA § 3007 information requests, the Respondent has implemented some of the self-reporting requirements as intended (e.g., exception reports were submitted for five shipments of hazardous waste).

The Revised RCRA Civil Penalty Policy penalty assessment matrix provides a range of penalty amounts in the minor potential for harm/minor extent of deviation category. The penalty amounts range from \$110 to \$549 for the first-day gravity-based component. This violation was assessed \$330 for the first-day gravity-based penalty.

2. Multiple/Multi-day Penalty: \$20,240

A multi-day penalty was assessed for a total period of 184 days of violation of these regulations (185 days of violation minus one(1)). The Respondent was found to be in violation of self-reporting aspects of the RCRA requirements. This violation was found on 389 manifests during 185 days between the time period September 28, 2000 through July 29, 2003.

The Revised RCRA Civil Penalty Policy penalty assessment matrix provides a fixed penalty amount in the minor potential for harm/minor extent of deviation multiple/multi-day category. The penalty amount is \$110. Multi-day penalties are discretionary for days 2-180 of violations designated minor/minor. Additional days of violation were included in this penalty calculation to reflect the seriousness (gravity) of the violation, promote prompt and continuing compliance, and deter future non-compliance. This violation was assessed using \$330 for the gravity based penalty and \$110 for the multi-day penalty. The multi-day penalty was calculated as follows: 184 days of violation x \$110 = \$20,240.

3. Adjustment Factors

The information currently available to EPA does not justify use of discretionary adjustment factors to modify the assessed penalty amount. No evidence has been produced which indicates either the demonstration, or lack of good faith, willingness, negligence, or a history of noncompliance with respect to the same violation.

4. Economic Benefit

The Facility appears to have gained no economic benefit from this violation; i.e., the benefit, if any, was less than \$2,500.

5. Penalty

\$ 20,570

PREPARED BY:

Eric R. Johnson
Eric R. Johnson
Environmental Scientist
Technical Enforcement Program

9/27/05
Date

PENALTY COMPUTATION WORKSHEET

Company Name: CF&I Steel, L.P. d/b/a Rocky Mtn. Steel Mills
Company Address: P.O. Box 316
2100 S. Freeway
Pueblo, Colorado 81004

Regulation Violated: CDPHE Hazardous Materials and Solid
Waste Regulation 1007, § 262.55(a)
Requirement Violated: Failure to submit timely exception
reports for manifests missing the date
hazardous waste left the United States

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix..... \$330
 - (a) Potential for harm..... minor
 - (b) Extent of deviation..... minor
2. Select an amount from the appropriate multi-day
matrix cell..... \$110
3. Multiply line 2 by number of days of violation
minus 1..... $\$110 \times 184$
 $= \$20,240$
4. Add line 1 and line 3..... \$20,570
5. Percent decrease for good faith..... N/A
6. Percent increase for willfulness/negligence..... N/A
7. Percent increase for history of noncompliance... N/A
8. Total lines 5 through 7..... N/A
9. Multiply line 4 by line 8..... N/A
10. Calculate economic benefit..... N/A
11. Add lines 4, 9 and 10 for penalty amount to be
inserted into the complaint..... \$20,570

CF & I Steel, L.P. d/b/a Rocky Mountain Steel Mills
Docket No. RCRA-08-2005-0004

CERTIFICATE OF SERVICE

I hereby certify that the original and one true copy of this Complaint, Compliance Order, and Notice of Opportunity for Hearing were hand carried to the Regional Hearing Clerk, EPA Region 8, 999 18th Street, Denver, Colorado, and that true copies were sent Certified Mail; Return Receipt Requested to:

The Corporation Company
Registered Agent for CF & I Steel, L.P.
1675 Broadway
Denver, CO 80202

and

Carl Hund
CF & I Steel, L.P. d/b/a Rocky Mountain Steel Mills
1612 East Abriendo Avenue
Pueblo, CO 81004-3406.

Dated: 9/28/05

By: Judith McTernan
Judith McTernan



Protection of Environment

PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REV- OCATION/TERMINATION OR SUS- PENSION OF PERMITS

Subpart A—General

Sec.

- 22.1 Scope of this part.
- 22.2 Use of number and gender.
- 22.3 Definitions.
- 22.4 Powers and duties of the Environ-
mental Appeals Board, Regional Judicial
Officer and Presiding Officer; disqual-
ification, withdrawal, and reassignment.
- 22.5 Filing, service, and form of all filed
documents; business confidentiality
claims.
- 22.6 Filing and service of rulings, orders and
decisions.
- 22.7 Computation and extension of time.
- 22.8 Ex parte discussion of proceeding.
- 22.9 Examination of documents filed.

Subpart B—Parties and Appearances

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alter-
native dispute resolution.
- 22.19 Prehearing information exchange; pre-
hearing conference; other discovery.
- 22.20 Accelerated decision; decision to dis-
miss.

addendum to 7-1-2004 Part 22

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR PART 22

[FRL-7855-6]

**Clarification of Address for Documents
Filed With EPA's Environmental
Appeals Board**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending the regulations that pertain to filing appeals and other documents with the Environmental Appeals Board (EAB) under the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (CROP). Specifically, EPA is amending two regulations that specify the addresses where notices of appeal, accompanying briefs, and other documents must be filed, to provide that any filings made through the U.S. mail service must be addressed to the EAB's mailing address, and that any filings made by hand-delivery or courier must be made to the EAB's hand-delivery address. The amendments are intended to make the regulations consistent with current Agency practice and to provide clear guidance on the proper address to use under various circumstances.

EFFECTIVE DATE: This final rule is effective on December 28, 2004.

FOR FURTHER INFORMATION CONTACT:
Eurika Durr, Clerk of the Board.
Telephone number: (202) 233-0122. E-mail: Durr.Eurika@epa.gov.

SUPPLEMENTARY INFORMATION: This action is directed to the public in